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Attorneys for Plaintiffs Julio R. Ayala and Mirna Ayala individually and as Administrators of the Estate of Julio A. Ayala

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA**

JULIO R AYALA and MIRNA AYALA,  
individually and as Administrators of the Estate  
of JULIO A. AYALA,

Plaintiffs,

vs.

SOUTH SAN FRANCISCO POLICE  
DEPARTMENT, CHIEF MARK RAFFAELLI;  
CITY OF SOUTH SAN FRANCISCO;  
OFFICER MIKE KUCHAC; OFFICER  
JANELLE PEREZ; CORPORAL BRUCE  
McPHILLIPS; OFFICER DAVID BERRY;  
CORPORAL DANNY GIL; OFFICER  
MELINDA LOPEZ; CORPORAL KEN

CASE NO.: C 06-02061 WHA

**JOINT STIPULATION RE: *IN CAMERA*  
INSPECTION OF DEFENDANT  
OFFICERS PERSONNEL FILES;  
~~PROPOSED~~ ORDER**

CHETCUTI; SERGEANT RON CARLINO;  
CORPORAL DAVE KENNAN; OFFICER  
CHRIS DEVAN; OFFICER MATT  
McNICHOL; OFFICER ADAM PLANK;  
OFFICER ROBBY CHON and DOES 1 to 10,  
inclusive

Defendants.

*WHEREAS*, plaintiffs served a request for production of documents on defendant City seeking disclosure of documents pertaining to the individually named officers, to wit: prior complaints of excessive force and misconduct<sup>1</sup> from the officers' personnel files and/or from any Internal Affairs files or Management Control Division files of the South San Francisco Police Department, and the officers' personnel evaluations from 2000 to the present.

*WHEREAS*, on February 23, 2007, agreement was reached between plaintiffs' counsel Vicki I. Sarmiento and defendants' counsel Kimberly Colwell to request the Court to hold an *in camera* review of the officers' personnel files. Counsel agree to prepare a joint brief setting forth their respective positions re disclosure, and submit it to the Court ten (10) days prior to the review date.

*WHEREAS*, both counsel agree that disclosure, if any, will be made pursuant to a protective order.

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<sup>1</sup> Misconduct was defined as follows: falsification of police reports, perjury, racial bias, aggressive behavior, violence, excessive force and any additional acts involving dishonesty, moral turpitude or criminal conduct.

WHEREAS, the parties respectfully request that the *in camera* review of the described documents take place on **March 22, 2007**, if this date is acceptable to the Court.

## IT IS SO STIPULATED:

**LAW OFFICES OF VICKI I. SARMIENTO  
LAW OFFICES OF DALE K. GALIPO  
MENDELSON & ASSOCIATES**

DATED: February 21, 2007

By: /S/  
VICKI I. SARMIENTO  
Attorney for Plaintiffs Julio and Mirna  
Ayala, Individually and as  
Administrators of the Estate of Julio Ayala

Dated: February 23, 2007

**MEYERS, NAVE, RIBACK, SILVER  
& WILSON**

By:           /S/            
KIMBERLY E. COLWELL  
Attorney for Defendants  
City of South San Francisco, South San  
Francisco Police Department, Chief Mark  
Raffaelli, Officer Mike Kuchac, Officer  
Janelle Perez, Corporal Bruce McPhillips,  
Officer David Berry, Corporal Danny Gil,  
Officer Melinda Lopez, Corporal Ken  
Chetcuti, Sergeant Ron Carlino, Corporal  
Dave Kennan, Officer Chris Devan,  
Officer Matt McNichol, Officer Adam  
Plank and Officer Robby Chon

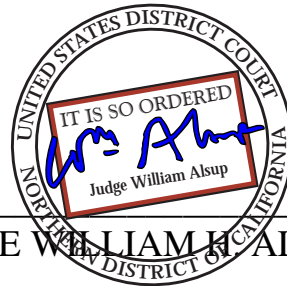
~~[PROPOSED]~~ ORDER

**IT IS SO ORDERED:**

The Court agrees to hold an *in camera* inspection on Wednesday, March 7, 2007 regarding the above described documents and files pursuant to this Joint Stipulation.

The parties are to submit their joint brief setting forth their respective positions re along with the above-described documents and files disclosure ~~within \_\_\_\_\_ days before the inspection date.~~

DATED: February 28, 2007



HONORABLE WILLIAM H. ALSUP